

PUBLIC HEARING

APRIL 3, 2013

A public hearing of the Council of the County of Kaua'i was called to order by Tim Bynum, Chair, Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, on Wednesday, April 3, 2013, at 8:35 a.m., at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Līhu'e, and the presence of the following was noted:

Honorable Gary L. Hooser
Honorable Ross Kagawa
Honorable Nadine K. Nakamura
Honorable Mel Rapozo
Honorable Tim Bynum
Honorable JoAnn A. Yukimura, Ex-Officio Member
Honorable Jay Furfaro, Ex-Officio Member

The Clerk read the notice of the public hearing on the following:

"Bill No. 2473 – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*Vertical Expansion of the Kekaha Landfill, \$298,531.00*),"

which was passed on first reading and ordered to print by the Council of the County of Kaua'i on March 20, 2013, and published in The Garden Island newspaper on March 24, 2013.

The hearing proceeded as follows:

EDUARDO TOPENIO, JR., Administrative Assistant to the County Clerk:
We have one (1) registered speaker, Committee Chair.

Chair Bynum: And no written testimony?

Mr. Topenio: Not at this time.

Chair Bynum: Okay. If you could call up our first speaker, please.

Mr. Topenio: Our first speaker is Bonnie Bator.

Chair Bynum: Good morning, Bonnie. Can you check to see if the little blue light is on? If you could introduce yourself, good morning.

BONNIE BATOR: Good morning. Do you folks have my testimony? Awesome. My name is Bonnie Bator. I live in Anahola Village and I am here for the public hearing on Bill No. 2473. I am in support of Bill No. 2473 only, only, if diversion is immediately implemented, mandated recycling, compost, and mulch. You folks could refer to my previously submitted testimony on

March 20, 2013. Dear Chair Bynum and Vice Chair Nakamura and members of Kaua'i County Council. *Aloha*, for the record, I love working with the students at Kapa'a High School. I am taking time off to be here to give comment during this public hearing. Given its extreme importance, I was present at the Kaua'i County Council Special Meeting regarding Bill No. 2473 on March 20th when Councilmen Furfaro, Rapozo, Hooser, and Kagawa, as well as both Councilwomen Yukimura and Nakamura were outraged to hear that an AECOM consultant advised that Kekaha landfill be turned into a one hundred twenty (120) foot tall beachfront blight. Why is AECOM being paid hundreds of millions of dollars to continue to advise the Kaua'i County Council to mismanage our trash? Where is the accountability from AECOM? Why is AECOM still on the taxpayer payroll as the Environmental Consultant for the proposed new landfill given this track record? AECOM got one million eight hundred thirty thousand dollars (\$1,830,000) just to choose Ma'alo as the preferred site of the new landfill. Why is AECOM continuing to receive more millions and millions of dollars when they have achieved worse than trash in regards to the people Kekaha? There are smart, local people living here on Kaua'i that need employment that could solve our trash problem with a fraction of the multi-million of dollars given to the global corporation AECOM. They have no accountability, just bull or worse, hogwash. The Administration needs to work with the County Council, that is the bottom line. The vertical expansion of Kekaha landfill costs nearly three hundred thousand dollars (\$300,000) versus an eight million dollar (\$8,000,000) lateral expansion. The Administration being at odds with the County Council is causing a major impact on our lives, not to mention those unborn yet to have the blessing of living a quality life on beautiful Kaua'i. Taxpayers have had enough. Our grandchildren, children's children deserve better than the mismanagement of the fiduciary trust. Our trust has been broken, please cutoff all contracts with AECOM.

Mr. Topenio:

Three (3) minutes, Mr. Chair.

Ms. Bator:

When is an overview of the ISWMP? I urge the Finance Committee of the Kaua'i County Council to take action, make amendments to Bill No. 2473; (A) sever contact to AECOM, (B) implement mandated recycling through a task force. Please, I want some validation that the Kaua'i County Council will act on my commonsense requests. 2014 is on the way. *Mahalo* for instigating future safeguards for what our grandparents and great grandparents did naturally to ensure the legacy of sustainability by practicing it for future generations because this sustainability thing is just like a fluff word. They talk sustainable, left, right, sideways, but there is no actual sustainability. The taxpayers have paid I do not how many thousands of dollars for those nice signs that say sustainability, but I do not see any sustainability. So, I thank you folks for dealing with this problem and *mahalo nui* plenty. *Aloha 'āina*.

Chair Bynum:

Thank you.

Ms. Bator:

Thank you.

Chair Bynum:

Any other speakers?

Mr. Topenio:

No other speakers, Committee Chair.

Chair Bynum:
back for some questions?

And seeing no one...Bonnie, could you come

Ms. Bator: Sure.

Chair Bynum: Council Chair.

Mr. Furfaro: Bonnie, thank you for your testimony this morning. I just wanted to recap a couple of pieces, so that you are aware of what we are doing, okay?

Ms. Bator: *Mahalo.*

Mr. Furfaro: First of all, the contracts issued to AECOM, by Charter, it is the Council that provides the money to do the project phases of this work and these contracts, there were three (3) phases of the contracts issued so you should know. The total is two million two hundred fifty-six thousand dollars (\$2,256,000). It was done in three (3) phases by the Administration, one (1) for one million four hundred thousand dollars (\$1,400,000), one (1) for four hundred thousand dollars (\$400,000), and one for about three hundred seventy thousand dollars (\$370,000). Those three (3) contracts, the Council provided the money. They do the selection of the vendor, not the Council.

Ms. Bator: Administration?

Mr. Furfaro: Yes, and based on that, and some earlier testimony, we have scheduled a review of the scope for May 2nd, the Council has scheduled May 2nd. So, I just want to make sure we are really clear how the Council's role is to provide the money of which we did. The contract selection and invalidating contracts, that is in the Administration's hands. But on May 2nd, we are going to voice our concerns by posting the special piece. I just wanted to share this with you.

Ms. Bator: Excellent, Chairman. I am not that good at math, but Mr. Kagawa teaches math at Kapa'a High School. I am kind of bad at math. If AECOM is just getting one million eight hundred thirty thousand dollars (\$1,830,000) for the citing studies, those figures that you quoted me do not seem to add up.

Mr. Furfaro: Well, I do math in the Waianae version, I round out numbers.

Ms. Bator: I know, but still, the thousands and millions do not kind of equate.

Mr. Furfaro: It is one million four hundred thousand dollars (\$1,400,000) plus, roughly round numbers again, another four hundred eighty thousand dollars (\$480,000), plus a third contract for about three hundred fifty thousand dollars (\$350,000). Those together come out a little more than two million one hundred sixty-five thousand dollars (\$2,165,000) and I do not have the contracts in front of me.

Ms. Bator: Okay, I think you are right, actually. If they are getting nearly two million dollars (\$2,000,000) just to...they produced the citing study in August 2012 and it was one million eight hundred thirty thousand dollars (\$1,830,000), so I guess, that is probably good math.

Mr. Furfaro: Well, I just rounded out the numbers.

Ms. Bator: Okay. I am so sorry.

Mr. Furfaro: No, do not apologize. The fact of the matter is that we have concerns, as well and I just wanted to tell you that will be done on the Council agenda on May 2nd.

Ms. Bator: Very good.

Mr. Furfaro: But I want to caution all of us, that you know, to openly discuss the challenges and procedures with the contracts, the actual entering into contracts and selections is the Administration, not the Council.

Ms. Bator: I apologize. But I know that you guys are on our side because of that wonderful empowering meeting on the 20th of March. But it seems like AECOM is still like they are part of R.M. Towill Corporation to do this whole EIS for the proposed dump at Ma'alo and I do not know how the two (2) are partnerships, R.M. Towill Corporation and AECOM, because they produced the EIS prep notice. So, it is a hell of a lot of money and I am sure there are other people that could do it for a fraction of the pay. People need jobs and AECOM is not doing theirs. So, I appreciate your explanation.

Mr. Furfaro: I just wanted to explain to you the procurement rules that we have to follow.

Ms. Bator: Yes. You folks just deal with paying them off. But the Administration are the guys who hired them in the first place. *Mahalo nui*, thank you so much, appreciate it. *Aloha 'āina*, again.

Mr. Furfaro: You are welcome.

Chair Bynum: So, no one else in the audience wants to testify to this matter, this hearing is closed.

There being no further testimony on this matter, the public hearing adjourned at 8:46 a.m.

Respectfully submitted,



EDUARDO TOPENIO, JR.

Administrative Assistant to the County Clerk